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EXAMINER

SHANNON, MICHAEL R

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/875,417

Applicant(s)

DAVIES ET AL.

Examiner

Michael R. Shannon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments filed August 24, 2005 have been fully considered but they are not persuasive. The sole argument on pages 12-13 states that "Independent claims 1, 12, 22, and 27, as amended, recite a monitoring controller device that monitors for a specified event, where the specified event is associated with AV content being sent to a target device. Furthermore, these claims recite that the monitoring controller device generates a warning for a parent when the specified event is detected. In contrast, Sitnik discloses peer-to-peer communications between two televisions that allow one television to access AV content information being sent to another television. Furthermore, Kerman merely discloses displaying a warning on the device that is currently receiving the AV content. Neither reference teaches or suggests a monitoring controller device that monitors for a specified event associated with AV content being sent to a target device and this device generating a warning when the specified event is detected, as claimed." To a certain extent, the Examiner agrees with the argument presented. However, the Examiner also notes that the combination of the two references, as previously presented, still reads on the amended claims. The Examiner clearly indicated that features pointed out according to the previous set of claims and will do so again, with regards to the currently amended claims. The Examiner contends that Kerman displays or sounds a parental warning until a parent acknowledges the warning [Kerman, col. 9, lines 21-27] and that Sitnik displays the child's currently viewed AV content on the

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parent's display [Sitnik, paragraph 0016]. The Examiner therefore submits that it would have been obvious to display the parental warning at the parental device (the parental warning being associated with Kerman and the parental device being associated with Sitnik) similarly to how the AV content of Sitnik is displayed at the parental device. The Examiner notes that it would have been obvious that the warning could be received at a location convenient to the parent, such as the parent television of Sitnik.

Finally, the Examiner cites *In re Japikse*, 86 USPQ 70, which states that rearranging parts of an invention (such as the warning indication being moved from the viewing device to the parental device) involves only routine skill in the art and *Nerwin v. Erlichman*, 168 USPQ 177, 179, which states that constructing a formerly integral structure in various elements (such as making the warning indication separate from the viewing device) involves only routine skill in the art.

Therefore, in view of the above arguments and the below art rejection, a good portion of which has been preserved since the previous Office Action, the previous rejection still stands and this rejection is marked as FINAL.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitnik (US Pub. No. 2002/0010935), previously cited by examiner in view of Kerman (USP 5,659,366), previously cited by examiner.

Regarding claim 1, the Sitnik reference discloses all of that which is discussed with regard to the claimed "system" as follows:

- The claimed "target device associated with a child, the target device comprising a first audiovisual receiver configured to receive audiovisual content directed to the target device" is met by the child's TV 10N, which receives content similarly to the way the parent (or master) TV receives content [paragraph 0020].
- The claimed "monitoring controller device associated with a parent" is met by the parent TV 10A for identifying content that the child is watching [paragraph 0020].
- The claimed "second audiovisual receiver configured to access the audiovisual content directed to the target device" is met by the ability to query the child television and display frames of currently viewed content [paragraph 0016].

The Sitnik reference does not teach "an audiovisual monitoring application that monitors for a specified event and that generates a warning for the parent if the specified event is detected, wherein the specified event is associated with the audiovisual content".

The Kerman reference teaches an alarm warning, which warns parents using an audible or visible alarm when an undesirable program is being received

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by the child's device [col. 8, line 60 – col. 9, line 5 & col. 9, lines 21-27]. It would have been obvious to display the parental warning at the parental device (the parental warning being associated with Kerman and the parental device being associated with Sitnik) similarly to how the AV content of Sitnik is displayed at the parental device. The Examiner notes that it would have been obvious that the warning could be received at a location convenient to the parent, such as the parent television of Sitnik. Furthermore, as discussed above, the Examiner cites *In re Japikse*, 86 USPQ 70, which states that rearranging parts of an invention (such as the warning indication being moved from the viewing device to the parental device) involves only routine skill in the art and *Nerwin v. Erlichman*, 168 USPQ 177, 179, which states that constructing a formerly integral structure in various elements (such as making the warning indication separate from the viewing device) involves only routine skill in the art.

Regarding claim 2, the Sitnik reference does not disclose that “a display is coupled to the monitoring controller device and is configured to output both the warning and the audiovisual content directed to the target device”. The Sitnik reference simply discloses the ability to display the child's content on the parent's device [0016], and, as discussed earlier regarding claim 1, does not make mention of a warning at the parent device when a child device is receiving undesirable content. The claimed feature is therefore further met by Kerman, wherein he discloses the use of a warning [col. 8, line 60 – col. 9, line 5] and the background information regarding OSD and the ability to display messages (such as warnings) on the screen [col. 3, lines 3-12]. Therefore, it would have been

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obvious to one of ordinary skill in the art at the time of the invention to display the warning as an OSD along with the objectionable content from the child's television on the parent display, in order to allow for simple notification/warning of objectionable content using pre-existing technology, such as OSD technology.

Regarding claim 3, the Sitnik and Kerman references teach all of that which is discussed above with regards to claim 1. However, the Sitnik reference does not teach the claimed "system of claim 1 further comprising a user interface configured to allow the parent to input the specified event". This claim is met by the Kerman reference, wherein it discloses the ability for the user to initially set a predetermined MPAA rating value; upon which the alarm is activated if that value is reached [col. 8, line 60 – col. 9, line 5]. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the user to input the specified content, in order to allow customizability and further control over the parental control system.

Regarding claim 4, the Sitnik and Kerman references teach all of that which is discussed with regards to claim 28 (see rejection below). However, the Sitnik reference does not teach the claimed "system of claim 28 wherein the specified content is chosen from the group consisting of: an offensive lyric, an offensive topic, or a program title". This claim is, again, met by the Kerman reference, wherein it discloses the ability for the user to initially set a predetermined MPAA rating value (industry standard ratings for defining the explicitness of a program); upon which the alarm is activated if that value is reached [col. 8, line 60 – col. 9, line 5]. It would have been obvious to one of

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ordinary skill in the art at the time of the invention to allow the user to input the specified content, in order to allow customizability and further control over the parental control system.

Regarding claim 5, the claimed "system of claim 1 wherein the second audiovisual receiver is configured to receive and display audiovisual content directed to the monitoring controller device concurrently with the audiovisual content directed to the target device" is met by the ability for the master TV to display its received signal and the second received signal from the slave TV as a PIP window [0003], as disclosed in the background of the invention with regards to prior art Hiyoshi.

Regarding claim 6, the claimed "system of claim 1 further comprising a network, the target device and the monitoring controller device coupled to the network" is met by the TVs being interconnected via a bi-directional connection 20, which may be an in-home network [0014].

Regarding claim 7, the claimed "system of claim 6 wherein the network comprises a home audio/visual initiative (HAVI)-type network" is met by the discussion of a network protocol known as HAVI being used to interconnect home AV devices [0002].

Regarding claim 8, the claimed "system of claim 7 wherein the target device is a HAVI compliant device" is met by the discussion of each TV being coupled to the HAVI network, and therefore, inherently must be HAVI compliant in order to function within the network [0002 & 0014].



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Regarding claim 9, the claimed "system of claim 8 wherein the monitoring controller device is a HAVI compliant device" is met by the discussion of each TV being coupled to the HAVI network, and therefore, inherently must be HAVI compliant in order to function within the network [0002 & 0014].

Regarding claim 10, the claimed "system of claim 9 wherein the monitoring controller device is a full audiovisual node device" is met by the discussion of the master controller being able to recognize and control a slave device within a HAVI network [0002].

Regarding claim 11, the claimed "system of claim 1 further comprising: the target device coupled to a home audio/visual initiative (HAVI) network; and a HAVI compliant monitoring device coupled to the HAVI network and acting as the monitoring controller device" discusses the same limitations set forth in claims 6-10 and is met by the same discussions as set forth above regarding claims 6-10. For further reference, see paragraphs 0002 and 0014.

Regarding claim 12-21, see the above rejections to claims 1-10, respectively.

Regarding claim 22-26, see the above rejections to claims 1-5, respectively.

Regarding claim 27, see the above rejection to claim 1.

Regarding claim 28, the claimed "system of claim 1, wherein the specific event associated with the audiovisual content is selected from the group consisting of a channel change, and detecting a specified content characteristic" is met by the Kerman reference, wherein it discloses the ability for the user to

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initially set a predetermined MPAA rating value (industry standard ratings for defining the explicitness of a program); upon which the alarm is activated if that value is reached [col. 8, line 60 – col. 9, line 5]. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the user to input the specified content, in order to allow customizability and further control over the parental control system.

Regarding claim 29, the claimed “system of claim 1, further comprising: an Internet Protocol device coupled to the display, wherein the Internet Protocol device is configured to receive the warning and the audiovisual content” is met by the fact that instead of utilizing a HAVI network, as thoroughly discussed above, the Sitnik reference teaches that the network can be a local area network (LAN) using local area network protocols, or a cable network protocol system, as well as other manners of proprietary wired or wireless protocol systems [paragraph 0002].

Regarding claims 30 and 31, see the above rejection to claim 28.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Both claims cite the limitation “HAVI-type”, which is indefinite in view of the disclosure and commonly accepted techniques.

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***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

**Any response to this action should be mailed to:**

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon  
Examiner

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Michael R Shannon  
November 2, 2005



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